

**Agenda Item: 16-51 Stormwater Rules Section 15A NCAC 2H .1000 – Request to Adopt Revisions in Response to RRC Objection**

**Explanation:**

At its September 15<sup>th</sup> meeting, the NC Rules Review Commission (RRC) objected to 14 proposed stormwater rules in Section 15A NCAC 2H .1000. The basis for the objection is that the proposed language in 15A NCAC 02H .1050(14) requiring that stormwater control measures be designed by a “licensed professional” is outside the authority of the EMC for the standard stormwater permitting process (Attachment A). The RRC stated that this requirement is within the EMC’s authority for the fast-track stormwater permitting process as authorized under G.S. 143-214.7B. To address the RRC’s objection, staff are proposing:

- adding language to Rule 2H .1050(14) stating that, for the standard permitting process, stormwater systems may be designed by persons for whom a license is not required by any occupational licensing statute for the type of stormwater system proposed (Attachment B, Page B-23); and
- revising Rule 2H .1043(2) to allow only licensed Professional Engineers and Landscape Architects to apply under the fast-track permitting process (Attachment B, Page B-11).

Staff are also proposing minor revisions to the remaining 12 rules to make them compatible with the new language described above. The proposed effective date for all these rules is January 1, 2017. Attachment C contains a more detailed fact sheet explaining the proposed rule changes in response to the RRC’s objection.

**Recommendation:** Adopt the revisions to the 14 rules in Section 15A NCAC 2H .1000 (Attachment B) as presented by staff in response to the RRC objection.